



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

SHAVON PRABHAKAR,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION 3:19-2884-MGL-SVH
	§	
LEXINGTON COUNTY HEALTH SERVICE	§	
DISTRICT, INC., d/b/a Lexington Medical	§	
Center,	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND GRANTING DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S ABUSE OF PROCESS CLAIM**

Plaintiff Shavon Prabhakar (Prabhakar) filed this lawsuit against Lexington County Health Service District, Inc. (LCHSDI) alleging disparate treatment and wrongful discharge in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, violation of 42 U.S.C. § 1981, and abuse of process. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting LCHSDI's motion to dismiss Prabhakar's abuse of process claim be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report January 14, 2020, but Prabhakar failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court LCHSDI's motion to dismiss Prabhakar's abuse of process claim is **GRANTED**.

IT IS SO ORDERED.

Signed this 29th day of January, 2020, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE